

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTWONE STOKES, *et al.*,

Plaintiffs,

v.

CHEEK, *et al.*,

Defendants.

Case No. 1:24-cv-00691-BAM (PC)

ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*

(ECF No. 2)

ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY CALIFORNIA
DEPARTMENT OF CORRECTIONS

Plaintiff Antwone Stokes (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on June 10, 2024, in the Sacramento Division of the United States District Court for the Eastern District of California, together with a motion to proceed *in forma pauperis*. (ECF Nos. 1, 2.) This action was transferred to the Fresno Division on June 13, 2024. (ECF No. 4.) On June 13, 2024, Plaintiff filed a certified copy of his prison trust account statement. (ECF No. 6.) Plaintiff has also been directed to file a complaint that includes his signature, on or before July 17, 2024. (ECF No. 7.)

Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month’s income credited to Plaintiff’s

1 trust account. The California Department of Corrections is required to send to the Clerk of the
2 Court payments from Plaintiff's trust account each time the amount in the account exceeds
3 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 2), is GRANTED;
- 6 2. **The Director of the California Department of Corrections or his/her designee shall**
7 **collect payments from Plaintiff's prison trust account in an amount equal to twenty**
8 **per cent (20%) of the preceding month's income credited to the prisoner's trust**
9 **account and shall forward those payments to the Clerk of the Court each time the**
10 **amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2),**
11 **until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.**
12 **The payments shall be clearly identified by the name and number assigned to this**
13 **action;**
- 14 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in*
15 *forma pauperis* application on the Director of the California Department of Corrections,
16 via the court's electronic case filing system (CM/ECF); and
- 17 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
18 Department, U.S. District Court, Eastern District of California.

19
20 IT IS SO ORDERED.

21 Dated: June 17, 2024

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28